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Current claims

Listing of Claims:

1-39. (canceled)

40. (Previously presented) An isolated nucleic acid molecule comprising a sequence encoding the polypeptide of SEQ ID NO: 14 with aspartic acid, glutamic acid, lysine, or arginine substituted for asparagine-20.

41. (Previously presented) The isolated nucleic acid molecule of claim 40 encoding the polypeptide of SEQ ID NO: 14, further comprising serine, alanine, glycine, or threonine substituted for cysteine-98.

42. (Previously presented) The isolated nucleic acid molecule of claim 40 encoding the polypeptide of SEQ ID NO: 14, further comprising a substitution at aspartic acid-45.

43. (Previously presented) The isolated nucleic acid molecule of claim 42 encoding the polypeptide of SEQ ID NO: 14, further comprising serine, alanine, glycine, or threonine substituted for cysteine-98.

44. (Previously presented) The isolated nucleic acid molecule of claim 40 encoding the polypeptide of SEQ ID NO: 14, further comprising glutamic acid or aspartic acid substituted for lysine-157.

45. (Previously presented) The isolated nucleic acid molecule of claim 40, encoding substitution of aspartic acid for asparagine-20.

46. (Previously presented) The isolated nucleic acid molecule of claim 41, encoding substitution of serine for cysteine-98.

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47. (Previously presented) The isolated nucleic acid molecule of claim 42, encoding substitution of asparagine for aspartic acid-45.

48. (Previously presented) The isolated nucleic acid molecule of claim 43, encoding substitution of serine for cyteine-98.

49. (Previously presented) The isolated nucleic acid molecule of claim 44, encoding substitution of glutamic acid for lysine-157.

50. (Previously presented) An isolated nucleic acid molecule comprising a sequence encoding the polypeptide of SEQ ID NO: 14 with asparagine substituted for lysine-16.

51. (Canceled)

52. (Previously presented) An isolated nucleic acid molecule comprising a sequence encoding the polypeptide of SEQ ID NO: 14 with serine, alanine, glycine, or threonine substituted for cysteine-87.

53. (Previously presented) The isolated nucleic acid molecule of claim 52, encoding substitution of serine for cysteine-87.

54. (Previously presented) An isolated nucleic acid molecule comprising a sequence encoding the polypeptide of SEQ ID NO: 14 with serine, alanine, glycine, or threonine substituted for cysteine-90.

55. (Previously presented) The isolated nucleic acid molecule of claim 54, encoding substitution of serine for cysteine-90.

56. (Currently amended) A recombinant nucleic acid construct comprising:
a polynucleotide comprising the sequence of SEQ ID NO: 12;

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a polynucleotide having 99% sequence identity with SEQ ID NO: 12 and encoding a polypeptide having reduced lethality compared to a wild-type SPE-A toxin; or

a polynucleotide comprising nucleotides 918-1580 of sequence SEQ ID NO: 12; ~~or~~

~~a polynucleotide having 99% sequence identity with nucleotides 918-1580 of sequence SEQ ID NO: 12~~ operably linked to a promoter.

57. (Previously presented) The recombinant nucleic acid construct of claim 56, comprising a polynucleotide having the sequence of SEQ ID NO: 12.

58. (Currently amended) The recombinant nucleic acid construct of claim 56, comprising a polynucleotide having 99% sequence identity with SEQ ID NO: 12 and encoding a polypeptide having reduced lethality compared to a wild-type SPE-A toxin.

59. (Previously presented) The recombinant nucleic acid construct of claim 56, comprising a polynucleotide having nucleotides 918-1580 of sequence SEQ ID NO: 12.

60. (Canceled) ~~The recombinant nucleic acid construct of claim 56, comprising a polynucleotide having 99% sequence identity with nucleotides 918-1580 of sequence SEQ ID NO: 12.~~